

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:22-CV-04022-BCW
)	
STATE OF MISSOURI, et al.,)	
)	
Defendants.)	

ORDER

The Court held an initial pretrial conference in this matter on April 26, 2022. Plaintiff the United States of America appeared through counsel Alan Simpson, Cassie Snyder, and Daniel Schwei. Defendants the State of Missouri, Michael L. Parson in his official capacity as Governor of the State of Missouri, and Eric Schmitt, in his official capacity as Attorney General of the State of Missouri, appeared through counsel Jesus Osete.

As of the date of this Order, there are three motions pending: (a) Plaintiff's motion for summary judgment (Doc. #8); (b) Defendants' motion to dismiss for lack of jurisdiction (Doc. #13); and (c) Defendants' motion to dismiss for failure to state a claim (Doc. #16). Plaintiff has requested oral argument on the motion for summary judgment.

Consistent with the Court's discussion with the parties during the April 26, 2022 conference, it is the Court's obligation and intent to consider Defendants' challenge to this Court's subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1) before considering the other pending motions, which relate to the case's merits. Barclay Square Props. v. Midwest Fed. Sav. & Loan Ass'n of Minn., 893 F.2d 968, 969 (8th Cir. 1990). Accordingly, it is hereby

ORDERED this case is STAYED pending ruling on Defendants' motions to dismiss (Docs. #13 & #16) and Plaintiff's motion for summary judgment (Doc. #8). It is further

ORDERED Plaintiff's motion for summary judgment (Doc. #8) is set for oral argument at the United States Courthouse in Kansas City, Missouri on **June 22, 2022 at 1:30 p.m.**

IT IS SO ORDERED.

DATE: May 4, 2022

/s/ Brian C. Wimes

JUDGE BRIAN C. WIMES

UNITED STATES DISTRICT COURT